IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

PRESENT:
THE HON'BLE SMT JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO :13431 of 2007

DATED:28.6.2007.

Between:

The Deputy Commissioner of Commercial Taxes, Vijayawada & others.

....
PETITIONERs

AND

N.Srinivasarao

.....RESPONDENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO:13431 OF 2007

ORDER: (Per the Honourable Smt.Justice T.Meenakumari)

This writ petition is filed by the petitioners seeking to call for the records pertaining to the order of the tribunal in O.A.No:350 of 2006 with V.M.A.No:261 of 2006, dated 10.10.2006 and to set aside the same by holding as illegal.

The respondent is the applicant. He filed the O.A. seeking to set aside the impugned proceedings No:Rc.A3/1862/2000, dated 19.1.2006 as illegal and arbitrary. The tribunal having observed that the applicant was appointed on 13.9.1986 as Sweeper cum Night Watchman during which period there were no appointments and the applicant was continued in that capacity till he was transferred on promotion as attender which is category 2 of the last grade service by the 1st petitioner herein through his proceedings dated 12.3.1991 and thereafter he was appointed by transfer as Junior Assistant on 29.3.1994 and that no accusation has been made against the applicant and issuance of the proceedings after a lapse of 20 years on the ground that the initial appointment of the applicant is irregular, is not just and proper, set aside the order impugned therein by holding that the applicant is entitled to all the consequential benefits.

Having aggrieved by the same, the present writ petition is filed by the respondents-petitioners.

Heard the learned counsel.

The facts that are undisputed are that the applicant was appointed on 13.9.1986 as Sweeper cum Night Watchman during which period there were no appointments and the applicant was continued in that capacity till he was transferred on promotion as attender which is category 2 of the last grade service by the 1st petitioner herein through his proceedings dated 12.3.1991 and thereafter he was appointed by transfer as Junior Assistant on 29.3.1994 and that no accusation has been made against the applicant. At this length of time, the proceedings in question have been issued against the applicant reverting him as Full Time Sweeper cum Night Watchman on the ground that initial appointment of the applicant itself, is irregular, are arbitrary and illegal as rightly observed by the tribunal. Apart from that, there are no bonafides on the part of the authorities in passing the order impugned at this length of time, that too in the absence of any irregularities or illegalities committed by the applicant.

In this background of the matter and in the present facts and circumstances of the case, We have no hesitation to hold that the tribunal is justified in passing the order impugned herein. We see no merits in this writ petition and the same is liable to be dismissed.

Accordingly, this writ petition is dismissed. No costs.

(JUSTICE T.MEENAKUMARI)

28th June, 2007

(JUSTICE G.CHANDRAIAH)

gurc/nn

THE HON'BLE SMT. JUSTICE T.MEENA KUMARI

&

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

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WRIT PETITION NO:13431 of 2007

(Order delivered by the Honourable Smt.Justice T.Meena Kumari)

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28th June, 2007.